

## **CABINET**

At a meeting of the Cabinet held on  
Tuesday, 20 July 2004

**PRESENT:** Councillor Mrs DSK Spink MBE (Leader of Council)  
Councillor RT Summerfield (Deputy Leader of Council and Finance &  
Resources Portfolio Holder)

<b>Councillors:</b>	Dr DR Bard	Planning & Economic Development Portfolio Holder
	JD Batchelor	Information & Customer Services Portfolio Holder
	Mrs JM Healey	Conservation, Sustainability & Community Planning Portfolio Holder
	Mrs EM Heazell	Housing Portfolio Holder
	SGM Kindersley	Environmental Health Portfolio Holder
	Mrs DP Roberts	Community Development Portfolio Holder

Councillors RF Bryant, Ms SJO Doggett, Mrs A Elsby, Mrs SA Hatton, MP Howell, Dr JPR Orme, J Shepperson, Mrs BE Waters and Dr JR Williamson were in attendance, by invitation.

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### **Procedural Items**

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#### **1. MINUTES OF PREVIOUS MEETINGS**

The Leader was authorised to sign the minutes of the meetings held on 20<sup>th</sup> May and 24<sup>th</sup> June 2004 as correct records.

#### **2. DECLARATIONS OF INTEREST**

None declared.

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### **Recommendations to Council and Decisions made by Cabinet and reported for information**

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#### **3. POLICY AND FINANCIAL REVIEW 2005-06**

The Resources and Staffing Portfolio Holder introduced the report outlining a potential framework for the future planning of Council services and budgets, and for public consultation on available options.

Clarifications were sought and given:

- Both Members and senior officers would participate in discussions about progress against the Corporate Objectives and issues to be addressed in formulating a corporate medium term strategy (report paragraph 2.6);
- It was desirable to begin public consultation as early as possible during the year, although it was necessary to know the Council's financial position as a base so the public were aware of any financial constraints and could make an informed decision if asked to prioritise options;
- The replacement Continuous Improvement Plan (CIP) process would be less complicated than its predecessor, allowing the Council's financial position to be clear by the end of the calendar year;

- The Council was likely to avoid capping in 2005/06, but not in 2006/07 and subsequent years if the current criteria remained in force;
- The possible 2% savings per annum would be across all departments;
- Although progress towards the Decent Homes Standard could be slowed by one year, it was a rolling programme of improvements and could not continue to be slowed annually;
- The recent BMG Community Development survey could be used to help formulate questions for the public consultation; and
- Appendix E contained examples of the kinds of questions which could be asked, not recommended actual questions.

Financial options were discussed. The options appeared to be to borrow, since the advantages of being debt free had significantly reduced; to make savings elsewhere, or to finance non Housing Revenue Account (HRA) capital expenditure from capital receipts instead of from the General Fund revenue account. It was noted that transitional relief on the pooling of Right to Buy capital receipts, due to the debt free status, was estimated to be worth about £4.6 million in total, but that this had to be used for affordable housing. After the transitional period, 75% of Right to Buy receipts would have to be pooled, but the remainder could be used for General Fund or HRA purposes.

The Finance and Resources Director confirmed that the £26.601 million in reserves from capital receipts (paragraph 4.7) was reduced by the amount already identified for funding capital grants otherwise funded from revenue.

Councillor JD Batchelor asked for a further option, taking into account some flexibility in the use of capital reserves, although Council would first have to accept that not all capital receipts would be allocated solely for housing. Councillor RT Summerfield pointed out that £1 million capital receipts would finance a £20 reduction in Band D Council Tax. The Finance and Resources Director advised that this option had not been put forward because of Council's policy decision not to use capital reserves for General Fund spending, most recently through the Housing Strategy and HRA Business Plan adopted by Council on 24<sup>th</sup> June 2004.

The Housing Portfolio Holder reminded members that it was an awkward time to reduce or remove HRA funding as it would limit the options available to tenants during the recently commenced Housing Stock Options survey. The Housing and Environmental Services Director expected to be asked to provide exemplifications of the impact on the HRA of any changes in the use of capital receipts and offered to provide a more detailed report for Cabinet in October.

Cabinet considered but rejected a recommendation for a review of the scope to increase income from fees and charges because in the only areas where significant income could be generated, development control and building control, fees and charges were restricted by law.

Members discussed the most appropriate methods of consulting the public, being aware of the small numbers who had attended public consultation meetings the previous year. It was recognised that responses to a questionnaire with *South Cambs Magazine* would be self-selecting but, on previous experience, this method would elicit the greatest number of responses and at a relatively modest cost. The Head of Policy and Communications gave an assurance that, although there was a requirement to consult, the method was not specified.

Cabinet **RECOMMEND THAT COUNCIL**

- (a) support the need for the development of a five year strategy combining service, financial and workforce elements, including the identification of priorities, with a draft going to Cabinet on 14<sup>th</sup> October 2004;
- (b) approve the revised annual process for Continuous Improvement Plans (CIPs) and budget preparation as indicated in report paragraph 3.3 and Appendix B;
- (c) agree that the authority wishes to remain debt-free and confirm the following financial policies to form part of the Medium Term Financial Strategy:
  - reduction of the working balance to £1.5 million;
  - debt-free status; and
  - use of capital receipts to fund General Fund capital expenditure in addition to the HRA and ICT, subject to the impact on the HRA being acceptable
- (d) agree to conduct public consultation for the Council's future financial strategy, with flexibility in the use of capital receipts;
- (e) indicate a preferred maximum budget option of setting the Council Tax at the shire district average to keep within possible capping criteria as indicated in Appendix D to the report, adjusted for all capital expenditure to be financed from capital receipts such that a higher level of revenue expenditure is supported; both for the purpose of consultation and to enable officers to start budget planning, but on the clear basis that the final decision will be subject to the results of consultation;
- (f) authorise a *South Cambs Magazine* survey as the most appropriate vehicle for public consultation, possibly with one public meeting at the Council offices and a web-based survey; a member/officer steering group being the appropriate means of steering the consultation;
- (g) request Portfolio Holders to discuss with their lead officers realistic options for savings of 4%, including an indication of the likely amounts, for presentation as part of the public consultation and with a view to savings in 2005/06; and agree that a percentage of savings are to be found from support services.

**Cabinet AGREED**

- (a) that Councillors JD Batchelor, Mrs DSK Spink and RT Summerfield be appointed to the Member / officer steering group for the public consultation exercise;
- (b) that the Member / officer steering group meet as soon as possible in view of the need to proceed quickly in this matter, noting the deadlines for the September issue of *South Cambs Magazine*.

**4. 2004-05 PAY AWARD**

The Resources and Staffing Portfolio Holder circulated the outcome of the Joint Pay Award Panel meeting of 19th July and explained that it was important to adhere to the policies agreed in 2003/04 to keep the competitive edge for staff recruitment and retention. Councillor Mrs DP Roberts supported the recommendations and suggested that performance on recruitment and retention should be reviewed in one year to see if the new policies were successful.

The Chief Executive confirmed that it was now felt that there were strong benefits to maintaining core hours but that this would be discussed further at a later date. He explained that the Council's approach to market supplements was reviewed on an individual basis for those few staff receiving supplements; it was possible the supplement could drop at review time as the basic rates rose.

**Cabinet RECOMMEND TO COUNCIL**

that a pay award of 4.2% be applied from 1st April 2004 and that budgets be increased by £98,000 to address the resultant shortfall.

**Cabinet AGREED**

- (a) that a commitment be made to reviewing the Council's approach to alternative forms of working, including the use of term time contracts and annualised hours, by March 2006, subject to consultation with UNISON on the detailed proposals;
- (b) that further consultation be held on the removal of core hours from the flexible working hours policy;
- (c) that all flexi-leave provision be capped at:
  - 2004/05 – 8 days
  - 2005/06 – 6 days
  - 2006/07 – 4 days
- (d) that the accumulation of flexi-leave beyond the above levels be granted only in exceptional circumstances, subject to Chief Officer approval;
- (e) that a corporate time recording system be introduced, subject to consultation with UNISON on the detailed proposals;
- (f) that one concessionary leave day for new and existing employees be withdrawn effective 2005/06 (affecting Christmas 2005), to be reinstated only when an extra day is required to close the Council Offices between Christmas and New Year and for that purpose only; and
- (g) that overtime arrangements be reviewed subject to consultation with UNISON on the detailed proposals.

**5. TRAVELLERS POLICY**

The Head of Policy and Communications explained that the policy was developed to combine all existing Travellers policy statements into one document, to inform applicants for the new Travellers Project Manager post of the Council's policy, and to demonstrate the Council's commitment to these issues to the local communities and national policy makers. Members commended the Head of Policy and Communications on the report, and asked that point E of paragraph 3 of the Policy be re-phrased to clarify that the Council would give full consideration to proposed private sites when travellers approached the Council in advance, rather than with a retrospective planning application.

The Leader clarified that the role of the Travellers Project Manager was not a site manager for Cottenham, as had been reported in the media.

**Cabinet RECOMMEND TO COUNCIL** that the policy on Traveller Issues be adopted.

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**Decisions made by the Cabinet and reported for information**

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**6. PENSIONS - EMPLOYEES PRE 1972**

The Finance and Resources Director explained that it was preferable to have a clear Council policy for calculating Compensatory Added Years (CAY) for employees with pre-1972 service, rather than dealing with each case on an individual basis. The policy would affect any staff who were being made redundant or retired in the interests of service efficiency, who were over the age of 50, and who had 5 or more years of pensionable service.

Cabinet **AGREED**

to adopt a policy of awarding Compensatory Added Years (CAY) including pre-1972 service, where appropriate, whether or not the employee has made additional contributions in order to uprate their pre-1972 service, so long as this does not provide the employee with a greater benefit than they would be received at their expected date of retirement.

**7. PENSIONS - FIXED TERM EMPLOYEES**

The Resources and Staffing Portfolio Holder advised that new legislation meant that employees on fixed-term contracts would have the same pension rights as other staff. The new policy sought to restrict liability should a former fixed-term employee, aged over 50 and with a minimum of two years of pensionable service with this authority, claim full pension rights.

Cabinet **AGREED**

that the Council's discretionary policy regarding the award of Compensatory Added Years (CAY) would not apply to individuals employed under fixed-term contracts.

Cabinet **NOTED** the direct and indirect pension cost implications for the Council resulting from the amendment to primary legislation relating to fixed-term employees.

**8. HUMAN RESOURCES (HR) STRATEGY**

The Comprehensive Performance Assessment (CPA) highlighted the need for a Human Resources Strategy and Cabinet had approved the strategy framework on 22<sup>nd</sup> January 2004. The Resources and Staffing Portfolio Holder had been assured by the Human Resources Manager that the objectives would be delivered within the proposed timescale. The cost of the objectives had been included in current budgets, but any additional financial implications, such as issues arising from the staff survey, would be addressed through the CIP process.

The phrase "develop our staff" was re-phrased to "encourage staff development".

Cabinet **AGREED** to adopt the HR Strategy.

## 9. **POLICIES FOR PROTECTION OF CHILDREN AND VULNERABLE ADULTS FROM ABUSE**

New statutory obligations and related initiatives required all authorities to co-operate more fully to ensure that abuse situations were highlighted as early as possible. The District Council's role would be to be aware of possible abuse situations and to bring concerns to the attention of the lead authority, Cambridgeshire Social Services. Two lead officers had been identified and were awaiting training. Training for Members would be included as the programme was implemented.

Councillor MP Howell, Chairman of the Scrutiny and Overview Committee, recommended that all staff should be able to volunteer for Criminal Records Bureau (CRB) checks, that any staff members visiting vulnerable people should be accompanied by a CRB-checked member of staff, and that both these staff members should be the same sex as the person they were visiting.

The list of situations where abuse of vulnerable adults may occur contained examples only and was not meant to be exhaustive. The lead officers would bring to the training session Members' questions about the Council's lone worker policy and in which circumstances an adult could be identified as vulnerable.

Cabinet **AGREED**

- (a) to approve the Protection of Children and Young People from Abuse Policy and the Protection of Vulnerable Adults from Abuse Policy;
- (b) that there should be a progressive implementation of the policies, subject to information and training being provided across the Council, with a view to full implementation by autumn 2004.

## 10. **LOCAL PUBLIC SERVICE AGREEMENTS**

Local Public Service Agreements, contracts entered into by local authorities with central governments, could result in the award of "performance reward grants" if the delivery of improved services achieved pre-set targets. The Conservation, Sustainability and Community Planning Portfolio Holder drew Cabinet's attention to the two proposed options for dividing the performance reward grants and Cabinet

**AGREED** to support the division of performance reward grant money equally between the 5 Local Strategic Partnerships and that the Cambridgeshire County Council be strongly recommended to adopt this approach.

## 11. **COLLECTIVE CABINET RESPONSIBILITY**

The issue of collective Cabinet responsibility had been considered at several previous meetings and the Constitution Review Working Party had recommended some simplified wording.

Members discussed the issue and made the following points:

- collective responsibility could be irrelevant as the Council was moving towards a recorded voting system, meetings were open to the public, and those opposed to Cabinet decisions could be identified from the minutes;
- the CPA team had identified the importance of Cabinet showing clear direction and leadership, and confusion and mixed messages resulted when dissenting

- views were expressed after a decision was taken;
- if Members were prepared to serve on Cabinet, they must be prepared for the responsibilities and restrictions;
- Members could face difficulty when their residents' views contradicted a Cabinet decision;
- amending the wording from "must not disagree" to "should not disagree" would allow for exceptional circumstances when a Member felt it necessary to disagree publicly;
- the protocol asked Members to accept that a democratic decision had been taken, to abide by it and not to work actively against it.

Cabinet **AGREED** the following wording as the Collective Responsibility Protocol, purely as a decision of Cabinet and not for incorporation into the Constitution:

"Cabinet Members should not disagree with agreed Cabinet decisions outside Cabinet meetings. Cabinet Members may speak against recommendations from Cabinet at Council. They are in no different position from any other member of the Council in respect of decisions made by Council, but are asked to use discretion."

## 12. APPOINTMENTS

Cabinet **AGREED**

- (a) that the Leader be named by office as a member of the Travellers Consultative Group;
- (b) to accept the nominations of the Development and Conservation Control Committee:
  - the Chairman of Development and Conservation Control Committee, ex-officio, with the Vice-Chairman as substitute;
  - Councillor MJ Mason
  - Councillor TJ Wotherspoon
- (c) That the Community Development and Conservation, Sustainability and Community Planning Portfolio Holders represent the Council on the South Cambridgeshire Crime and Disorder Partnership Group for 2004/05.

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### Information Items

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## 13. TRAVELLERS COSTS QUARTERLY UPDATE

Cabinet received the report on expenditure to date in connection with Travellers, for the financial year 2004/05. The Planning and Economic Development Portfolio Holder confirmed that this expenditure represented all costs covered by the original enforcement budget, but not additional costs from Community Development. Cabinet asked that future reports include costs from all budgets.

Cabinet **NOTED** the report.

## 14. PREDICTED OUT-TURN 2003-04

Cabinet had received a draft version of this report on 20<sup>th</sup> May. This final report, showing the provisional outturn figures for 2003/04 and how they compared to the

original estimates when the Council Tax and rents were set, was still subject to Audit adjustments.

Cabinet **NOTED** the report.

**15. QUARTERLY MONITORING REPORT AND PRUDENTIAL INDICATORS**

The report demonstrated Council's performance against budget for the first quarter of the 2004/05 financial year, and monitored the indicators under the Prudential Code for Capital Finance in Local Authorities, which did not apply to debt-free authorities. There could be underspending on the original General Fund estimates, but the figures did not take into account any additional resources agreed by Council, this Cabinet meeting, or the possibility of high costs on Refuse Collection.

Cabinet **NOTED** the projected expenditure position and the monitoring of prudential indicators.

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**Standing Items**

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**16. MATTERS REFERRED BY SCRUTINY AND OVERVIEW COMMITTEE**

None.

**17. CAMBOURNE**

This item was removed from the agenda.

**18. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting during consideration of the following items in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (exempt information as defined in Paragraphs 8, 9 and 12 of Schedule 12A of the Act).

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**Confidential Items**

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**19. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4TH JUNE 2004**

The Leader was authorised to sign the confidential minutes of the meeting held on 4<sup>th</sup> June 2004 as a correct record.

**20. PROVISION OF COMMUNITY FACILITIES IN NEW DEVELOPMENTS**

The Community Development Portfolio Holder drew attention to the issues facing the Council in terms of the provision of facilities in new developments, especially in light of issues at Cambourne. There were significant concerns in the Community Development department for future developments, such as the more urban facilities expected for Northstowe, and Councillor Mrs Roberts proposed investigating receiving a commuted sum from developers and approaching professional organisations for the facilities, instead of allowing developers to take responsibility for their provision. The Head of



Community Services noted that the community provisions section of the Local Development Framework would need amending if the Council sought to receive commuted sums from developers to provide facilities itself.

The Development Services Director explained that, while investigations were under way to determine the possibility of accepting a commuted sum from developers to finance planning officers for large developments, it was essential to demonstrate that this would not create the impression those officers were under the influence of the developers, and to ensure that the developers could not withdraw the funding. The Planning and Economic Development Portfolio Holder clarified that central government was developing new legislation to allow section 106 contributions to be used more flexibly, but no details were known.

The Chief Executive advised to continue under the current system for the time being, providing a benchmark against which other options could be measured. He warned of the difficulty involved in making leisure facilities profitable should the Council find itself managing one. The Leader reminded members that the Infrastructure Partnership, which had not been established during the early stages of Cambourne development, would provide additional support in new developments.

Members appreciated the report and expressed concern at the officer time and Council resources directed away from sports and arts development in existing villages by work on provision of facilities in new developments.

Cabinet **NOTED** the report.

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**The Meeting ended at 5.35 p.m.**

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